

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS O'CONNELL,

Defendant.

Cause No. CR 20-70-GF-BMM

ORDER

Defendant Thomas O'Connell ("O'Connell") has filed a motion for immediate release for want of medical care. (Docs. 65 & 67.) O'Connell was convicted of Failure to Account for and To Pay Over Employment Tax, in violation of 26 U.S.C. § 7202. (Doc. 38.) The Court sentenced O'Connell to 9-months imprisonment, but allowed O'Connell to self-report. (*Id.*) The Court granted multiple motions for extension of time to self-report made by O'Connell to allow O'Connell time to seek medical care before serving his 9-month sentence. (Docs. 49 & 55.) The Court ordered O'Connell's arrest upon receiving notice that O'Connell allegedly had committed additional criminal activity during the self-reporting period. (Docs. 56 & 60.) O'Connell has now pled guilty to felony theft in Cascade County as a result of that criminal activity. (*See* Doc. 73.)

Despite O’Connell’s additional criminal activity, the Court allowed O’Connell to choose whether to report immediately to the Federal Bureau of Prisons or to undergo surgery and report thereafter. (Doc. 61.) O’Connell chose to report immediately. (*Id.*)

O’Connell now requests to be granted home confinement in light of what he complains to be inadequate medical care at his prison facility. (Doc. 65.) To justify such a release, the Court would require O’Connell to make a clear and convincing showing of both an extraordinary and compelling reason and satisfaction of the factors in 18 U.S.C. § 3553(a).

Section 3553(a) factors include deterrence, just punishment, respect for the law, and avoidance of disparity of sentencing. Granting O’Connell home release undermines all of these factors and makes light of the seriousness of his offense and his failure to comply with the terms of his release. *See* 18 U.S.C. § 3553(a)(2)(A)–(C). The Court considered O’Connell’s health and circumstances when imposing his sentence on June 24, 2021, (Doc. 38), when continuing O’Connell’s reporting dates, (Docs. 49 & 55.), and when revoking his release. (Doc. 61.)

Accordingly, **IT IS ORDERED** that O'Connell's motion for immediate release (Docs. 65 & 67) is **DENIED**.

DATED this 3rd day of June, 2022.



Brian Morris, Chief District Judge
United States District Court